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# Legislative Bulletin

An Official Publication of the Hilliard City Council

**Publication Date: April 27, 2020**

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Published under the authority of the City of Hilliard Charter and direction of the Clerk of Council. This Legislative Bulletin contains ordinances and resolutions acted upon by Council. If noted within ordinance text, supplemental and supporting documents, such as exhibits, are available upon request to the Clerk of Council's office, 3800 Municipal Way, Hilliard, Ohio 43026, at 614.876.7361, Ext. 789. Past issues are available by logging onto [hilliardohio.gov](http://hilliardohio.gov)

## ORDINANCES

**The First Reading of the following ordinance was held on April 26, 2021.  
The Second Reading/Public Hearing is scheduled for May 10, 2021.**

### **21-16 AMENDING SECTION 149.05 OF THE HILLIARD CODIFIED ORDINANCES REGARDING TERM LENGTH FOR MEMBERS OF THE PUBLIC ARTS COMMISSION.**

**WHEREAS**, the Council of the City of Hilliard established Code Section 149.05 and the Public Arts Commission ("PAC") by Resolution No. 16-R-76 on October 24, 2016; and

**WHEREAS**, City Council has appointed/reappointed members to the PAC and desires to ensure that all terms of members are overlapping; and

**WHEREAS**, changes to Section 149.05, as shown in Exhibit "A", attached hereto and incorporated herein, will ensure that member's terms are overlapping; and

**WHEREAS**, amending the City's Codified Ordinances, as identified in Exhibit "A", attached hereto and incorporated herein, is in the best of interest of the City and its residents.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Hilliard, Ohio, that:

**SECTION 1.** Council finds that amending Section 149.05, as identified in Exhibit "A", **attached** hereto and incorporated herein, is in the City's best interest. The changes and additions to Section 149.05, as shown in track changes in the attached Exhibit "A" are approved and shall be incorporated in the City's Codified Ordinances.

**SECTION 2.** All other provisions of Section 149.05, not modified herein, remain unchanged and are in full force and effect.

**SECTION 3.** This Ordinance shall be in effect from and after the earliest time provided for by law.

**The following Ordinances were passed on April 26, 2021.**

### **21-12 REZONING A 0.194 +/- ACRE OF LAND LOCATED ON THE NORTH SIDE OF WAKEFIELD DRIVE, APPROXIMATELY 100 FEET EAST OF HILLIARD ROME ROAD FROM L-B-3 "OFFICE/INSTITUTIONAL" WITH A LIMITED OVERLAY FOR OFFICE USES TO THAT OF R-2 "LOW/MEDIUM DENSITY RESIDENTIAL".**

**WHEREAS**, Anaya Residences LLC (the "Owner") owns approximately a 0.194± acre of land located on the north side of Wakefield Drive, approximately 100 feet east of Hilliard Rome Road, identified as a portion of Parcel Number 050-000540-00 by the Franklin County Auditor's Office (the "Property"), depicted in **Exhibits "A" and "B"**, **attached** hereto; and

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## 21-12, continued:

**WHEREAS**, Council passed Ordinance No. 07-56 on December 10, 2007, rezoning the Property to B-3 "Office/Institutional" with a Limited Overlay for office uses only; and

**WHEREAS**, the Owner, having determined that there was more interest in the Property as it was originally zoned, submitted application number 21-0540LR to the City's Planning and Zoning Commission to rezone the Property from its current classification of L-B-3 "Office/Institutional" with a Limited Overlay for office uses only, to that of R-2 "Low/Medium Density Residential"; and

**WHEREAS**, City staff believes the proposal is consistent with the Hilliard Comprehensive Plan and with the zoning of adjacent residential subdivisions; and

**WHEREAS**, on March 11, 2021, following its duly advertised public hearing, the Planning and Zoning Commission voted 7-0 to forward a positive recommendation to City Council to rezone the Property to R-2 "Low/Medium Density Residential".

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Hilliard, Ohio that:

**SECTION 1.** The 0.194 ±acre of land located on the north side of Wakefield Drive approximately 100 feet east of Hilliard Rome Road, the graphical exhibit and legal description of which are **attached** hereto as **Exhibits "A" and "B"** respectively, and incorporated herein, is rezoned from L-B-3 "Office/Institutional" with a Limited Overlay for office uses only to R-2, "Low/Medium Density Residential" pursuant to Chapter 1139 of the City's Codified Ordinances.

**SECTION 2.** This Ordinance shall be in full force and effect from and after the earliest period provided for by law.

## 21-13 REPEALING AND REPLACING CHAPTER 709 OF THE HILLIARD CODIFIED ORDINANCES REGULATING ALARM SYSTEMS.

**WHEREAS**, Chapter 709 of the Codified Ordinances of the City regulates the use of private alarm systems and includes processes for obtaining permits and handling of false alarms; and

**WHEREAS**, after a review, in order to create a streamlined process that encourages the use of alarms by removing the requirement to obtain a permit while providing for a civil penalty for repeated false alarm responses, it is necessary to repeal and replace Chapter 709; and

**WHEREAS**, repealing and replacing Chapter 709 governing the use of Alarm Systems in the City of Hilliard will provide clarity to employees and residents to ensure that the City regulations align with how alarm systems function today.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Hilliard, Ohio, that:

**SECTION 1.** Chapter 709 of the Codified Ordinances of the City is repealed and replaced as shown on Exhibit "A", **attached** hereto and incorporated herein.

**SECTION 2.** City Council finds that repealing and replacing Chapter 709 of the City's Codified Ordinances is in the City's best interest. Chapter 709 of the Codified Ordinances of the City is enacted as rewritten herein in the attached Exhibit "A" and shall be incorporated into the City's Codified Ordinances, from and after the effective date of this Ordinance.

**SECTION 3.** Exhibit A of Chapter 190 is hereby revised to remove references an Alarm Permit Fee, as shown on Exhibit "B", attached hereto and incorporated herein.

**SECTION 4.** This Ordinance shall be in effect from and after the earliest time provided for by law.

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## **21-14 ENACTING SECTION 126.01 AND AMENDING CHAPTER 907 TO AUTHORIZE THE CITY MANAGER TO PERMIT MINOR ENCROACHMENTS ONTO CITY RIGHT-OF-WAY AND CITY-OWNED PROPERTY.**

**WHEREAS**, Chapter 907 of the City's Codified Ordinances governs right-of-way management in the City; and

**WHEREAS**, because Chapter 907 is designed to address utility usage of the right-of-way, it is necessary to provide regulations for non-utility, minor commercial encroachments into the right-of-way; and

**WHEREAS**, the City finds that permitting minor encroachments into City-owned property may also be beneficial to the community; and

**WHEREAS**, it is necessary to add Section 126.01 and Chapter 907 of the City's Codified Ordinances to add regulations regarding these minor encroachments; and

**WHEREAS**, enacting Section 126.01 outlining regulations governing minor encroachments and amending Chapter 907, as shown on Exhibits "A" and "B" is in the best interest of the City and its residents.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Hilliard, Ohio, that:

**SECTION 1.** City Council finds that enacting Section 126.01 of the City's Codified Ordinances, as shown on Exhibit "A", attached hereto and incorporated herein, is in the best interest of the City and its residents. Section 126.01, as shown on Exhibit "A" is approved and shall be incorporated into the City's Codified Ordinances, from and after the effective date of this Ordinance.

**SECTION 2.** City Council finds that the amendments to Chapter 907, as shown on Exhibit "B", **attached** hereto and incorporated herein, is in the best interest of the City and its residents. The changes and additions to Chapter 907, as shown and identified in track changes on the attached Exhibit "B", are approved.

**SECTION 3.** All other provisions of Chapter 907, not modified or deleted herein, remain unchanged and are in full force and effect.

**SECTION 4.** This Ordinance shall be in full force and effect at the earliest time provided for by law.

## **21-15 APPROPRIATING FUNDS FOR RECRUITMENT SERVICES FOR A DEPUTY CHIEF OF POLICE AND AUTHORIZING AN EXPENDITURE OF THOSE FUNDS.**

**WHEREAS**, pursuant to Section 6.10 of the Charter of the City of Hilliard, Council may amend the appropriation ordinance, provided the ordinance as amended does not authorize the expenditure of more revenue than is estimated; and

**WHEREAS**, by passage of Ordinance No. 20-28 on November 23, 2020, City Council adopted the City's 2021 Operating Budget; and

**WHEREAS**, on May 21, 2021, current Deputy Chief Eric Grile will be promoted to Chief of Police, following the retirement of Chief Fisher, leaving the Deputy Chief of Police position vacant, which is an authorized position in Section 127.04 of the City's Codified Ordinances; and

**WHEREAS**, the City Manager desires to fill this position in the upcoming months, therefore, an appropriation from the City's General Fund to pay for recruitment services is necessary; and

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**WHEREAS**, the City Manager believes that this appropriation is in the City's best interests.

**21-15 continued:**

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Hilliard, Ohio that:

**SECTION 1.** An appropriation in the amount of \$30,000 from Fund 101, Object 53 for the purpose of recruitment services to fill the Deputy Chief of Police position.

**SECTION 2.** City Council authorizes the expenditure of funds from Fund 101, Object 53 for recruitment services to fill the Deputy Chief of Police position.

**SECTION 3.** Pursuant to Section 3.07 of the Charter for the City of Hilliard, Ohio, this Ordinance shall take effect upon passage.

## RESOLUTIONS

**The following Resolutions were passed by Hilliard City Council on April 26, 2021.**

### **21-R-27 APPROVING COUNCIL RE-APPOINTMENTS TO THE ENVIRONMENTAL SUSTAINABILITY COMMISSION.**

**WHEREAS**, the Council of the City of Hilliard created the Environmental Sustainability Commission ("ESC") by Ordinance No. 11-01 on February 28, 2011; and

**WHEREAS**, ESC members are appointed to rotating terms of two years; and

**WHEREAS**, Ed Cheshire, Gregory Smith and Jason Wright were appointed to terms expiring on May 13, 2021; and

**WHEREAS**, Maggie Willis was appointed to a term expiring on May 31, 2021; and

**WHEREAS**, the Council of the City of Hilliard desires to reappoint Mr. Cheshire, Mr. Smith, Mr. Wright, and Ms. Willis each to a new two year term; and

**WHEREAS**, Mr. Cheshire, Mr. Smith, Mr. Wright, and Ms. Willis have all expressed a desire to accept such reappointment to the ESC.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Hilliard, Ohio that:

**SECTION 1.** City Council hereby reappoints the following individuals to new terms on the Environmental Sustainability Commission for the terms provided:

Name	Term
Ed Cheshire	May 14, 2021 to May 13, 2023
Gregory Smith	May 14, 2021 to May 13, 2023
Jason Wright	May 14, 2021 to May 13, 2023
Maggie Willis	June 1, 2021 to May 31, 2023

**SECTION 2.** This Resolution shall be effective upon its adoption.

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## 21-R-28 APPROVING COUNCIL RE-APPOINTMENTS TO THE PUBLIC ARTS COMMISSION.

**WHEREAS**, the Council of the City of Hilliard created the Public Arts Commission ("PAC") by Resolution No. 17-R-36 on April 10, 2017; and

**WHEREAS**, following the initial appointments, PAC members are appointed to two-year terms; and

**WHEREAS**, Genenia Bellner, Rebecca Rehbeck, and Matthew Sparks were appointed to terms expiring on May 13, 2021; and

**WHEREAS**, the Council of the City of Hilliard desires to reappoint Ms. Bellner, Ms. Rehbeck, and Mr. Sparks each to a new two year term; and

**WHEREAS**, Ms. Bellner, Ms. Rehbeck, and Mr. Sparks have all expressed a desire to accept such reappointment to the PAC.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Hilliard, Ohio that:

**SECTION 1.** City Council hereby reappoints the following individuals to new terms on the Public Arts Commission for the terms provided:

Name	Term
Genenia Bellner	May 14, 2021 to May 13, 2023
Rebecca Rehbeck	May 14, 2021 to May 13, 2023
Matthew Sparks	May 14, 2021 to May 13, 2023

**SECTION 2.** This Resolution shall be effective upon its adoption.

## 21-R-29 VACATING A PORTION OF A SANITARY SEWER EASEMENT GRANTED TO THE CITY OF HILLIARD BY GREENWICH INVESTORS HICKORY CHASE, LLC.

**WHEREAS**, with the approval of Hilliard City Council Resolution No. 16-R-08 on January 25, 2016, Greenwich Investors Hickory Chase, LLC conveyed a twenty (20) foot wide sanitary sewer easement ("Easement") to the City of Hilliard on Lot 3 for the Hickory Chase subdivision, as described in Plat Book 120, pages 61-63 of the Franklin County Recorder; and

**WHEREAS**, within the Easement, Hickory Chase constructed a sanitary sewer to provide sewer service for the residential building of the Hickory Chase development, which sewer the City of Hilliard now owns and maintains; and

**WHEREAS**, Green Courte Acquisition IV, LLC ("Developer") submitted plans for and were approved for a new community building on the Hickory Chase development ("Project"); and

**WHEREAS**, a portion of the proposed building on the Project is located over a portion of the Easement; and

**WHEREAS**, the City of Hilliard and the Ohio EPA have determined that the existing sanitary sewer in the Easement will now serve only the new community building and the residential building in the Green Courte development, and therefore is deemed a sanitary sewer service line, not a public sewer main; and

**WHEREAS**, the Easement over the abandoned sanitary sewer is no longer necessary for the ownership and maintenance of this sewer by the City of Hilliard; and

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## 21-R-29 continued:

**WHEREAS**, the Developer has requested that the City vacate a portion of the original Easement granted to the City of Hilliard, as described and depicted in the "Easement Vacation", **attached** hereto and incorporated herein as Exhibit "A".

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Hilliard, Ohio that:

**SECTION 1.** This Council finds that the request by the Developer for the City to vacate a portion of the original sanitary sewer easement granted to the City of Hilliard, as described and depicted in the "Easement Vacation", **attached** hereto and incorporated herein as Exhibit "A", is in support of the development and not adverse to the general health, safety and welfare of the public. Said portion of the sanitary sewer easement identified in Exhibit "A" is hereby vacated.

**SECTION 2.** The Clerk of Council is directed to record this Resolution and Exhibit "A" in the Office of the Recorder of Franklin County, Ohio and notify the Auditor of Franklin County, Ohio about the vacation by sending the Auditor a certified copy of this Resolution and attachments.

**SECTION 3.** This Resolution is effective upon its adoption.

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## 21-R-30 EXPRESSING SUPPORT FOR THE EXPANSION OF PASSENGER RAIL AND EXTENSION OF NEW PASSENGER RAIL IN OHIO AND URGING CONGRESSIONAL ACTION TO AUTHORIZE AND APPROPRIATE FUNDS FOR THE EXPANSION.

**WHEREAS**, Ohio, the seventh most populous state, has the 27th highest Amtrak ridership state and has the lowest ratio of Amtrak riders per resident of the top 10 most populous states; and

**WHEREAS**, among the top-10 most populous states near Ohio, the number of Amtrak riders per 1,000 residents is 42 in Michigan, 186 in Illinois, 258 in Pennsylvania, and 322 in New York compared to just 6 Amtrak riders per 1,000 residents in Ohio; and

**WHEREAS**, Ohio is the most populous state without any ongoing passenger rail development or operating program as it has no funds budgeted for passenger rail development in the currently proposed Ohio Department of Transportation

biennial budget, making it the sixth such biennial budget in a row with no funding for passenger rail planning, development, or operations; and

**WHEREAS**, in early 2021, All Aboard Ohio, a rail advocacy group, announced that Amtrak plans to expand passenger rail services; and

**WHEREAS**, the expansion would include 5 different routes and would be initiated using 100% of federal funds; and

**WHEREAS**, the restoration of passenger rail service via Columbus to Dayton, Cincinnati, and Cleveland would directly connect Ohio's four largest metropolitan areas with over 7 million residents; and

**WHEREAS**, the Mid-Ohio Regional Planning Commission's 2050 Metropolitan Transportation Plan calls for the establishment of new intercity connections via Columbus as a regional transportation priority for sustainability, equity, and community access; and

**WHEREAS**, safe, fast, modern, convenient passenger rail service offers time-savings and productivity benefits, making Ohio a more attractive place to live, work, and to visit for business or pleasure; and

**WHEREAS**, Hilliard would benefit from the transportation access afforded by new passenger rail connections to other cities and regions.

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## 21-R-30 continued:

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Hilliard that:

**SECTION 1.** Hilliard City Council supports Amtrak's proposed expansion of passenger rail services in Ohio.

**SECTION 2.** Hilliard City Council urges the congressional delegation from Ohio to support the renewal of the five-year federal Surface Transportation Reauthorization in 2021 that authorizes and appropriates funds to support Amtrak's expansion in Ohio.

**SECTION 3.** The Clerk of Council is directed to transmit copies of this Resolution to Senators Sherrod Brown and Rob Portman and Representative Steve Stivers.

**SECTION 4.** This Resolution is effective upon its adoption.

## 21-R-31 ACCEPTING THE DEDICATION OF RIGHT-OF-WAY AND EASEMENTS FOR PUBLIC AND PRIVATE UTILITIES, CABLE TELEVISION, SERVICE CONNECTIONS AND STORM WATER DRAINAGE FOR PHASE I OF THE COURTYARDS AT CARR FARMS.

**WHEREAS**, on July 11, 2016, Council passed Ordinance No. 16-01 rezoning 79.5± acres of land owned by Homewood Corp., from A-1 to Planned Unit Development consisting of 159 single-family lots, which development is identified as the Carr Farms PUD; and

**WHEREAS**, on April 12, 2018, the Planning and Zoning Commission approved a 6-month extension of the Carr Farms PUD Concept Plan (through March 11, 2019); and

**WHEREAS**, on November 23, 2020, Council passed Resolution No. 20-R-95 approving a modification of the Carr Farms PUD Concept Plan consisting of 59 traditional single-family homes and 179 empty-nester homes on 79.45 acres; and

**WHEREAS**, upon application by Epcon Carr Farms, LLC, and EMH&T (collectively, the "Owner"), on April 8, 2021, at its regularly scheduled public meeting, the City's Planning and Zoning Commission approved the final plat ("Final Plat") for

## 21-R-31 continued:

Phase 1 of The Courtyards at Carr Farms for the development of 47 single-family lots for empty-nester homes on 24.423± acres of land (the "Property"); and

**WHEREAS**, the Owner has offered to dedicate to the City of Hilliard public right-of-way along Leppert Road, a path easement for the maintenance of a regional multi-use path, and easements for the construction, operation, and maintenance of all public and private utilities, including cable television, above and beneath the surface of the ground, for the construction, operation, and where necessary, easements for the construction operation, and maintenance of service connections, and for storm water drainage in, to, and over certain real property described in the Final Plat, attached hereto as Exhibit "A" and incorporated herein; and

**WHEREAS**, this offer of dedication has been made by the Owner in support of the development of the Property depicted on Exhibit "A"; and

**WHEREAS**, it is to the interest and benefit of the City of Hilliard, its residents and the public at large that the dedications proposed on Exhibit "A" be accepted by the City of Hilliard.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Hilliard, Ohio that:



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## 21-R-31 continued:

**SECTION 1.** The City of Hilliard accepts the dedication of the public right-of-way along Leppert Road, and easements for public and private utilities, cable television, service connections and storm water drainage, within The Courtyards at Carr Farms Phase 1, as shown on Exhibit "A", **attached** hereto and incorporated by reference herein.

**SECTION 2.** The City Engineer is authorized to approve any necessary administrative changes to affect the proper recording of the Final Plat identified on Exhibit "A" and is authorized to provide the Clerk of Council with a final recorded copy of said plat.

**SECTION 3.** The Clerk of Council, Chairman of the Planning and Zoning Commission and City Engineer are authorized to do all acts and to execute all instruments appropriate or necessary to carrying out the terms of the dedication and recording of the Final Plat.

**SECTION 4.** This Resolution is effective upon its adoption.

## 21-R-32 ACCEPTING THE DEDICATION OF EASEMENTS FOR VEHICLE ACCESS, PUBLIC AND PRIVATE UTILITIES, CABLE TELEVISION, SERVICE CONNECTIONS AND STORM WATER DRAINAGE FOR NORWICH SQUARE

**WHEREAS**, on February 14, 2019, the City's Planning and Zoning Commission approved an Old Hilliard District Plan and a Preliminary Plat consisting of 8 single-family lots on 2.237 acres, which development is identified as Norwich Square; and

**WHEREAS**, upon application by Old Hilliard LTD, (the "Owner"), on April 8, 2021, at its regularly scheduled public meeting, the City's Planning and Zoning Commission approved the final plat ("Final Plat") for Norwich Square for the development of 8 single-family lots on 2.237± acres of land (the "Property"); and

**WHEREAS**, the Owner has offered to dedicate to the City of Hilliard the easements for vehicle access, and for the construction, operation, and maintenance of all public and private utilities, including cable television, above and beneath the surface of the ground, for the construction, operation, and where necessary, easements for the construction operation, and maintenance of service connections, and for storm water drainage in, to, and over certain real property described in the Final Plat, attached hereto as Exhibit "A" and incorporated herein; and

**WHEREAS**, this offer of dedication has been made by the Owner in support of the development of the Property depicted on Exhibit "A"; and

**WHEREAS**, it is to the interest and benefit of the City of Hilliard, its residents and the public at large that the dedications proposed on Exhibit "A" be accepted by the City of Hilliard.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Hilliard, Ohio that:

**SECTION 1.** The City of Hilliard accepts the dedication of the easements for public and private utilities, cable television, service connections and storm water drainage, within Norwich Square, as shown on Exhibit "A", **attached** hereto and incorporated by reference herein.

**SECTION 2.** The City Engineer is authorized to approve any necessary administrative changes to affect the proper recording of the Final Plat identified on Exhibit "A" and is authorized to provide the Clerk of Council with a final recorded copy of said plat.

**SECTION 3.** The Clerk of Council, Chairman of the Planning and Zoning Commission and City Engineer are authorized to do all acts and to execute all instruments appropriate or necessary to carrying out the terms of the dedication and recording of the Final Plat.



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**21-R-32 continued:**

**SECTION 4.** This Resolution is effective upon its adoption.

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